



# UNITED STATES PATENT AND TRADEMARK OFFICE

26

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,735	03/23/2001	Takashi Ejiri	4415-15	6221

7590 12/03/2003  
Donald K. Huber  
McCormick, Paulding & Huber LLP  
City Place II  
185 Asylum Street  
Hartford, CT 06103-4102

EXAMINER

CHAMBERS, A MICHAEL

ART UNIT PAPER NUMBER

3753

DATE MAILED: 12/03/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/815,735

Applicant(s)

EJIRI, TAKASHI

Examiner

A. Michael Chambers

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/12/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 16-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-15, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/23/01 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

Art Unit: 3753

### **DETAILED ACTION**

1. This action is in response to a request for continued examination (RCE) filed November 12, 2003. Two informational disclosure documents filed July 15, 2002, and December 26, 2002, have previously been considered. Claims 1-23 are pending. This action is in response to a restriction requirement filed December 23, 2002. Applicant's election of the invention of Group I (claims 1-15, 22, 23), without traverse, in paper number 7 is acknowledged. Claims 16-21, drawn to claims of Group II, have been withdrawn from consideration. An action on the merits of claims 1-15, 22 and 23 is included in this Office action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 11, 12, 15, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Priese. Note the pressure responsive valve actuator including an indicator member. Priese clearly shows and discloses in column 4, lines 23+, an indicator, pin 106 (a moving member) responsive to fluid pressure moving via a piston 56 together with a working rod "...for operating a valve element ..." 52, 56 to indicate valve actuation. The pin(visual checking member) 76 clearly

Art Unit: 3753

projects out of and retreats into the housing 32 and 82. Applicant's remarks in the response accompanying a request for continued examination have been considered and deemed persuasive. The patent to Priese has been applied to the claims as showing an indicator responsive directly to the piston actuator movement.

#### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicants are asked to consider the teachings of the previously applied patent to Bergeron and the newly cited patents to Itol et al and Orum et al.

#### *Allowable Subject Matter*

5. Claims 6-10, 13, and 14, drawn to particular detachable actuator structure, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to A. Michael Chambers whose telephone number is 703-308-1016. The Examiner can normally be reached on Mon-Thur. 6:30am-5:00pm. (FAX (703) 308-7765).


7. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's

Art Unit: 3753

supervisor, Dave Scherbel can be reached on 703-308-1272. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3851.

amc  
November 29, 2003



**A. MICHAEL CHAMBERS  
PRIMARY EXAMINER  
ART UNIT 3753**